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**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF ARIZONA**

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|---|---|
| True Names, Ltd. d/b/a Ethereum Name Service, a Singapore corporation, and Virgil Griffith, an individual<br><br>Plaintiff,<br>v.<br><br>GoDaddy, Inc., a Delaware corporation, and GoDaddy.com LLC, a Delaware corporation, Dynadot LLC, a California corporation, and Manifold Finance, Inc., a Delaware corporation.<br><br>Defendants. | Case No. \_\_\_\_<br><br>**DECLARATION OF KHORI WHITTAKER IN SUPPORT OF PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER** |

I, Khori Whittaker, declare:

1.      I am the Executive Director of True Names, Ltd. d/b/a Ethereum Name Service (herein, "TNL"). The matters set forth herein are true and correct of my own personal knowledge and, if called as a witness, I could and would testify competently thereto. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

2.      I became the Executive Director of TNL on May 23, 2022 and have been an active user of blockchain technology since 2017.

3.      Launched in 2017, TNL provides the software for the Ethereum Name Service, which is a decentralized, open-source domain name system that revolutionized the cryptocurrency market by allowing users to exchange value using short-form, human readable language instead of long strings of alphanumeric characters typically associated

with cryptocurrency wallets, making it easier and more accessible to transfer cryptocurrency.

4.      Important to the operation of ENS is the eth[.]link domain name, which acts as a gateway between the traditional Domain Name System (DNS), which matches IP addresses with website domain names, and the ENS system.

5.      Today, over 2 million ENS names have been registered worldwide, all of which can rely on the eth[.]link domain. The eth[.]link domain allows ENS domains to be accessible on the traditional DNS system.

6.      The Ethereum Name Service makes money through a small yearly fee of $5 that persons or entities pay for use of the domains.

7.      The Ethereum Name Service has registrants who live in Arizona and conduct business and other transactions in reliance on the eth[.]link domain.

### Registration of the eth[.]link Domain

8.      On or around November 25, 2018, I understand that one of the founders of TNL, Virgil Griffith, personally obtained the rights to the registration for the eth[.]link domain on behalf of and for the benefit of TNL.

9.      The registrar for the eth[.]link domain was, at that time, Uniregistry. I have been informed, and I believe to be true upon information and belief, that in or around 2020, Uniregistry was acquired by GoDaddy, Inc. and/or GoDaddy.com LLC (collectively, "GoDaddy").

10.     I have been informed by Nick Johnson, another founder of TNL, that the intent and purpose of Mr. Virgil's registration was solely and exclusively for the benefit of TNL, so that TNL could conduct its business operations.

11.     When I joined TNL as its Executive Director, I knew and understood that TNL had registration rights to the eth[.]link domain.

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### GoDaddy's Announcement Regarding the eth[.]link Domain Status

12.    On August 25, 2022, GoDaddy, Inc. and/or GoDaddy.com LLC (herein, "GoDaddy") posted a public statement about the status of eth[.]link. It stated that the domain name had expired on July 26, 2022, was progressing through the expiration lifecycle, and was "expected to be returned to the registry on Sept. 5, 2022, absent a renewal by the current registrant." A true and correct copy of GoDaddy's public statement is attached herein as **Exhibit E**.

### Alleged Transfers of the eth[.]link Domain

13.    On September 3, 2022, Manifold Finance, Inc. publicly announced on its own Twitter handle @foldfinance that it had purchased the eth[.]link domain.

14.    Manifold Finance, Inc. stated that it purchased the domain through an auction managed by Dynadot LLC.

15.    In order for this to have occurred, GoDaddy would have had to have purportedly sold the eth[.]link domain to Dynadot LLC before September 5, 2022.

### Harm to TNL and eth[.]link Users

16.    Without access or rights to the eth[.]link domain name, users of the eth[.]link domain will be deprived of its use, as eth[.]link allows ENS domains to be usable on DNS.

17.    The eth[.]link gateway is a key feature that users of ENS domains are expecting. TNL will immediately lose users that they cannot regain to other competitors and suffer significant reputational harm.

18.    Some people use the eth[.]link domain to prop up websites in order to sell products. If the domain is gone, then these users will no longer be able to use their own websites for commercial ends, and may lose business opportunities.

19.    Other people use the domain to trade cryptocurrency. If persons are in the middle of a cryptocurrency transaction when access to the domain is lost, then it is

possible that the transaction will be lost. Given that the transaction is on the blockchain, there will be no way to recover such lost funds.

20. Reputationally, eth[.]link is associated with TNL by and through the ENS system, which is intimately associated with the eth[.]link domain name. As a result, TNL will not only lose users, but will be severely impeded in gaining new customers, even were TNL able to secure an entirely new, but different, domain gateway. Critically, our reputation is vital to our success in this competitive market. Losing this domain will significant harm TNL and it will be very difficult to overcome this reputational hit.

21. Also, because of the permission-less nature of the ENS protocol, in the hands of new owners, there is no way to ensure that persons currently using the eth[.]link domain name will be secure from cyberattack or malicious users.

22. If TNL loses its registration rights over the eth[.]link domain, the company could lose it forever and never have it returned.

23. Financial compensation cannot make TNL whole if Defendants are able to take the eth[.]link domain away from the company.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed in Land O Lakes, Florida, on this 5th day of September 2022.

*/s/ Khori Whittaker*